

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

NIURKA LLIAM GONZÁLEZ HERNÁNDEZ

Debtor(s)

Case No.: 10-07136 (ESL)

Chapter 13

**MOTION IN COMPLIANCE WITH ORDER AND TRUSTEE'S POSITION AS TO
DEBTORS' REQUEST TO RETAIN 2010 TAX REFUND**

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. On April 4, 2011, Debtor filed a motion requesting to retain her 2010 tax refund to cover certain expenses. **Docket 20.** The Chapter 13 plan confirmed in this case provides that Debtor will submit all tax refunds to the Trustee to increase the base of the plan. **Docket 11.**

2. Specifically, Debtor is requesting to retain her \$817.00 tax refund to pay certain car repairs. As evidence of her expense, she attached an estimate of the car repairs to be done.

3. The Trustee, at this time, opposes Debtor's request, since he does not have enough information to make an informed decision regarding the same. This is the case because the estimate for the repairs attached to Debtor's motion does not include Debtor's name nor a description, make, and model of the car to be repaired. Also, such estimate does not include the

name of the garage or the mechanic to be performing the requested repairs. In light of this, the Trustee cannot determine if the repairs would be performed to Debtor's automobile and if the same are reasonably priced.

WHEREFORE, the Trustee respectfully requests this Honorable Court take notice of the above and order Debtor to provide a more detailed estimate of the car repairs to be performed, in order for the Trustee to determine if Debtor's request to retain her 2010 tax refund is reasonable.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE: The Chapter 13 Trustee certifies that a copy of this motion has been served by regular US Mail on this same date to: the DEBTOR(s) and her/his/their attorney and all Creditors and Parties in Interest to their respective address of record as they appear in the attached master address list to the address of record, if not an ECFS register user.

In San Juan, Puerto Rico this 28th day of April, 2011.

/s/ Alexandra Rodríguez Díaz-
Staff Attorney
Bar No. 224,311

/s/ José R. Carrión

JOSE R. CARRION
CHAPTER 13 TRUSTEE
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The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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DATED: April 28, 2011

Leslie Santiago

OFFICE OF THE CHAPTER 13 TRUSTEE